

BOARD OF COUNTY COMMISSIONERS  
MINUTES  
REGULAR MEETING  
OCTOBER 15, 1991

COMMISSIONERS PRESENT:

S. DONNELL WHITFIELD  
PACK BOWDEN  
ELLIS MELVIN  
TRUMAN GRANT  
JOHN LINDSEY

PRESENT AND ACTING:

GAIL O'BRYAN, ADMINISTRATIVE ASSISTANT  
BILL A. CORBIN, COUNTY ATTORNEY  
WILLIAM G. SMITH, SHERIFF

THE MEETING WAS CALLED TO ORDER BY COMMISSIONER WHITFIELD AND FOLLOWED WITH PRAYER BY COMMISSIONER MELVIN AND PLEDGE OF ALLEGIANCE TO THE FLAG.

WEATHERIZATION BIDS WERE PRESENTED FROM THE FOLLOWING: BAILEY'S DIVERSIFIED, RANDEL PUMPHREY AND C. F. BAILEY, JR.

AFTER REVIEW OF THE BIDS, IT WAS DETERMINED BAILEY'S DIVERSIFIED WAS LOW ON 2, RANDEL PUMPHREY WAS LOW ON 1 AND BAILEY'S DIVERSIFIED AND RANDEL PUMPHREY WERE TIED ON 1.

AFTER DISCUSSION, IT WAS THE UNANIMOUS CONSENSUS OF THE BOARD TO AWARD LEE AND YOUNG TO BAILEY'S DIVERSIFIED AND TO AWARD KENT AND TUCKER TO RANDEL PUMPHREY.

COMMISSIONER WHITFIELD SIGNED, AS AUTHORIZED AT A PREVIOUS BOARD MEETING, THE DEPARTMENT OF COMMUNITY AFFAIRS RURAL COMMUNITIES SUPPLEMENTAL PLANNING ASSISTANCE GRANT PROGRAM CONTRACT.

THE BOARD DISCUSSED A LETTER FROM N. W. FLORIDA WATER MANAGEMENT DISTRICT RE: PUBLIC LAND ACQUISITION WORKSHOP ON OCTOBER 29, 1991, 9:00 A.M., CST., AT THE W. T. NEAL CIVIC CENTER, BLOUNTSTOWN, FLORIDA. THE WORKSHOP WILL COVER TWO RECENT DEVELOPMENTS IN LAND ACQUISITION--STATE WIDE LAND ACQUISITION COORDINATION AND THE NEW COMMUNITIES TRUST PROGRAM.

ATTORNEY CORBIN REPORTED THE COUNTY HAD WON THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 5 V. CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS LAW SUIT AND PRESENTED THE BOARD MEMBERS WITH A COPY OF THE HEARING OFFICER'S RECOMMENDED ORDER. HE REPORTED THAT THE HEARING OFFICER HAD RECOMMENDED THAT EACH PARTY PAY THEIR OWN ATTORNEY FEES AND ASKED THE BOARD IF THEY WANTED HIM TO PURSUE ATTORNEY FEES FROM THE UNION, SINCE THE COUNTY IS THE PREVAILING PARTY.

AFTER DISCUSSION, THE BOARD TABLED THE QUESTION OF PURSUING ATTORNEY FEES FROM THE UNION UNTIL OCTOBER 25, 1991. THE BOARD INSTRUCTED THE CLERK TO POLL EACH BOARD MEMBER ON THE 25TH OF OCTOBER AS TO WHETHER TO PURSUE ATTORNEY FEES OR NOT AND THEN TO INFORM COUNTY ATTORNEY OF RESULTS.

THE FOLLOWING CORRESPONDENCE WAS PRESENTED:

LETTER FROM FEDERICO FUENTES

RE: INFORMING THE BOARD OF HIS INTENTION TO INSTALL IN THE INDUSTRIAL PARK OF CALHOUN COUNTY, A FISH FARM AND REQUESTED THAT THE BOARD ASK APALACHEE REGIONAL PLANNING COUNCIL FOR ASSISTANCE FOR THEIR PROJECT.

THE BOARD AGREED, AFTER DISCUSSION, TO ASK THE ASSISTANCE OF ARPC FOR THE PROJECT, HOWEVER, TO RELAY THAT THE BOARD CANNOT BE OBLIGATED FOR ANY FUNDS OR MATCH GRANTS, BUT WILL ACT AS A PUBLIC CONVEYANCE TO ASSIST MR. FUENTES IN OBTAINING GRANTS.

LETTER FROM DEPARTMENT OF COMMUNITY AFFAIRS

RE: COMMUNITY DEVELOPMENT BLOCK GRANT--ACQUISITION/RELOCATION REPORT

LETTER FROM HRS

RE: STATE EMS COUNTY GRANT EXPENDITURES

THE BOARD INSTRUCTED JOE TAYLOR TO SUBMIT ANNUAL REPORT FOR EMS GRANT

LETTER FROM DEPARTMENT OF GENERAL SERVICES

RE: RECEIPT OF LEASE AGREEMENT BETWEEN CALHOUN COUNTY AND DEPARTMENT OF GENERAL SERVICES.

LETTER FROM DEPARTMENT OF TRANSPORTATION

RE: NOTICE OF INTENT RE: SITE APPROVAL FOR PRIVATE AIRPORT (CLARKSVILLE)

THE BOARD INSTRUCTED THE CLERK TO PUBLISH THE NOTICE OF INTENT ON THE BULLETIN BOARD AND TO ALSO ADVERTISE IT IN THE COUNTY RECORD. COMMISSIONER LINDSEY IS ALSO TO PRESENT THE NOTICE OF INTENT TO THE CALHOUN COUNTY PLANNING COMMISSION ON 11/21/91.

LETTER FROM ST. JOE TELEPHONE AND TELEGRAPH COMPANY ASKING APPROVAL FROM THE BOARD TO SPRAY HERBICIDE AROUND TELEPHONE POLES.

THE BOARD APPROVED ST. JOE TELEPHONE AND TELEGRAPH'S REQUEST TO SPRAY VELPAR L. HERBICIDE AROUND ALL POLES AND PEDESTALS ON CALHOUN COUNTY ROAD RIGHT OF WAYS.

STATEMENT FROM TALLAHASSEE MEMORIAL HOSPITAL

RE: HEALTH CARE ASSISTANCE APPLICATION ON DONNA YORK

THE BOARD INSTRUCTED THE CLERK TO CHECK INTO THE STATEMENT AND REPORT BACK TO THE BOARD.

LETTER FROM HRS

RE: STATING THE DRINKING WATER BACTERIOLOGICAL ANALYSIS (SAM B. ATKINS PARK) IS IN COMPLIANCE.

THE BOARD RECESSED FOR 5 MINUTES

THE BOARD RECONVENED

SHERIFF SMITH CALLED THE PUBLIC HEARING ON FINAL READING OF ORDINANCE RELATING TO FRANCHISE FEES.

COMMISSIONER WHITFIELD READ PROPOSED ORDINANCE ESTABLISHING AND GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, CITY OF BLOUNTSTOWN, WEST FLORIDA ELECTRIC COOPERATIVE, GULF COAST ELECTRIC COOPERATIVE, AND ST. JOSEPH TELEPHONE AND TELEGRAPH COMPANY, THEIR SUCCESSORS AND

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ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE LINES FOR THE SALE OF UTILITIES IN THE UNINCORPORATED AREAS OF CALHOUN COUNTY, FLORIDA; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR PAYMENTS BY THE FRANCHISEES TO THE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

COMMISSIONER WHITFIELD STATED THE CLERK HAD SAID THERE MIGHT BE SOME LEGAL QUESTION REGARDING THE FRANCHISE FEE AND RECOMMENDED THAT THE BOARD GO AHEAD AND VOTE ON ORDINANCE, THEN OBTAIN A DECLARATORY JUDGEMENT FROM THE COURTS REGARDING LEGALITY.

ATTORNEY CORBIN EXPLAINED THE PROCESS OF OBTAINING A DECLARATORY JUDGMENT. HE RELAYED THE BOARD COULD PASS THE ORDINANCE SUBJECT TO OBTAINING A DECLARATORY JUDGMENT DECLARING IT LEGAL.

APPROXIMATELY 25 CITIZENS WERE PRESENT THE THE PUBLIC HEARING AND POSED MANY QUESTIONS REGARDING THE FRANCHISE FEE AND MUCH OPPOSITION WAS EXPRESSED REGARDING % RATE, AND FEE REFLECTING ONLY ON RESIDENTS IN UNINCORPORATED AREAS.

MR. PATRICK FLOYD, A REPRESENTATIVE OF GULF COAST ELECTRIC COOPERATIVE, STATED THEY HAD RESEARCHED THE ORDINANCE AND FELT IT WAS IMPROPER AND INVALID.

THE BOARD AND AUDIENCE DISCUSSED AT LENGTH THE ORDINANCE AND AFTER DISCUSSION, THE BOARD AMENDED THE ORDINANCE TO INCLUDE THE FOLLOWING:

MONEY TO BE EARMARKED FOR AMBULANCE ONLY AND 10% OF BASE RATE ONLY OF TELEPHONE PER HOUSEHOLD.

AFTER A 2 HOUR AND 15 MINUTE DISCUSSION, MOTION BY COMMISSIONER BOWDEN THAT THE BOARD CONSIDER AND PASS THIS ORDINANCE IF IT IS DETERMINED LEGAL BY THE COURTS.

2ND COMMISSIONER LINDSEY  
MOTION CARRIED 4-1

COMMISSIONER MELVIN VOTING NO. COMMISSIONER MELVIN STATED THIS REASON FOR VOTING NO WAS BECAUSE IT IS AN UNFAIR TAX, PLACING TAX ON RURAL FOLKS AND NOT CITY FOLKS. HE STATED A BUSINESS WOULD BE MORE LIKELY TO USE THE AMBULANCE AS OPPOSED TO A HOUSEHOLD. HE SAID HE ALSO FELT HAVING THE SAME CAP ON BUSINESSES AND HOUSEHOLDS COULD CREATE A SITUATION IN WHICH A BUSINESS ONLY PAID 1% AND A HOUSEHOLD 10% OF THEIR UTILITY BILL.

THE BOARD RECESSED FOR 10 MINUTES.  
THE BOARD RECONVENED.

THE FOLLOWING CORRESPONDENCE WAS PRESENTED:

LETTER FROM VIRGIL MAYO, PUBLIC DEFENDER  
RE: RENOVATION OF THE PUBLIC DEFENDER'S OFFICE; PAINTING, CARPET,  
ETC.

THE BOARD AGREED TO AUTHORIZE ALVIN ROBERTS TO PAINT PUBLIC DEFENDER'S OFFICE AND REPAIR LOOSE TILES.

LETTER FROM CAPITAL AREA COMMUNITY ACTION AGENCY  
RE: PROCLAMATION

THE BOARD AGREED AND COMMISSIONER WHITFIELD SIGNED A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 11TH THROUGH NOVEMBER 15TH AS COMMUNITY 3



ACTION WEEK.

COMMISSIONER BOWDEN PRESENTED A FORM REQUIRING CHAIRMAN'S SIGNATURE RE: SOIL AND WATER CONSERVATION PROJECT--BAGGETT BROTHERS I & II.

THE BOARD AGREED BY CONSENSUS FOR CHAIRMAN TO SIGN ASSURANCES RELATING TO REAL PROPERTY ACQUISITION FOR ABOVE-REFERENCED PROJECT.

COMMISSIONER WHITFIELD POLLED THE BOARD RE: SIGNING CDBG DRAWDOWN REQUEST AS PRESENTED BY JULIAN WEBB & ASSO. FOR ADMINISTRATION ON CDBG HOUSING GRANT. THE BOARD UNANIMOUSLY AGREED TO WAIT ON SIGNING A DRAWDOWN REQUEST UNTIL A FURTHER UPDATE ON GRANT ADMINISTRATION IS OBTAINED FROM MR. WEBB.

THE BOARD UNANIMOUSLY APPROVED AND THE CHAIRMAN SIGNED A LEASE WITH CAPITAL AREA COMMUNITY ACTION AGENCY AT \$10.94 PER SQUARE FOOT PER ANNUM.

THE MINUTES OF OCTOBER 1, 1991 WERE PRESENTED.

DURING DISCUSSION ON OCTOBER 1, 1991 MINUTES, COMMISSIONER BOWDEN QUESTIONED COMMISSIONER MELVIN AS TO HOW MANY LOAD OF DIRT AND HOW MANY HOURS HAVE BEEN PUT ON THE DRAG STRIP ROAD. HE ALSO QUESTIONED HOW MANY HOUSES ARE ON THAT ROAD.

COMMISSIONER MELVIN RESPONDED THAT MR. WALTERS HAD MET WITH THE BOARD PRIOR TO HIS PUTTING IN THE RACE TRACK AND THE BOARD HAD AGREED TO MAINTAIN THE ROAD, NOT ELLIS MELVIN. HE STATED MRS. BROCK HAS ALSO MET WITH THE BOARD REGARDING THE BOARD FIXING THE ROAD SO THAT THE AMBLANCE COULD GET IN AND OUT AND THAT THE BOARD HAD VOTED TO DO THE WORK, NOT ELLIS MELVIN.

THE MINUTES OF OCTOBER 1, 1991 WERE APPROVED AS AMENDED.

THERE BEING NO FURTHER BUSINESS, THE BOARD DID ADJOURN.

ATTEST:

CALHOUN COUNTY BOARD OF  
COMMISSIONERS



WILLIE D. WISE, CLERK

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S. DONNELL WHITFIELD, CHAIRMAN

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